

From: Pam Grubaugh-Littig
To: Jonathan, Pachter,; TimKirschbaum@consolenergy.com
Date: 8/1/03 4:02PM
Subject: Division Decisions from the Emery Deep Mine July 31 Meeting

Thank you for coming to Salt Lake for the Emery Deep Mine meeting yesterday. Here's a summary of the Division decisions:

The extension is granted for the PHC submittal to August 15, 2003.

You will need to request an extension of Violation #03-39-1-1 beyond August 9 to August 26 with an explanation of the need for the extension.

We will have a meeting on August 26 at the Division (8:30 am in Salt Lake) for Consol to present their proposal to control the coal fines (which is being prepared by Norwest). This proposal must include examples of how the measures will work (such as names and locations of mines and who to contact and why the method being proposed is relevant to solve the coal fine issue at Emery, and any other relevant data showing how these examples compare to Emery Deep by wind speed, process, pile size, etc. and how well proven and effective it will be in a windy area.

At this August 26 meeting, Consol must convince the Division that the proposed comprehensive coal fine control plan will work and why. If there is not a convincing proposal, the Division will issue an FTA/CO on August 27.

If the proposal is convincing, Consol will request another extension to the violation and prepare the submittal as an amendment to the Emery Deep Mine plan by September 12 with an implementation date of October 15. If there are other implementation dates beyond October 15, there must be a detailed timeline with adequate rationale for extension beyond October 15.

The Division has set as the standard to achieve, by the proposed re-engineering, a maximum coal fine deposition off the permit area of 1/4 " and 10% cover. This is due to the fragile ecosystem of the coal mine location.)

The current amendment that was sent to Consol on June 16, 2003 with a response date of July 7 (which was delayed due to yesterday's meeting) for the addition of 1.45 acres must also be submitted. (It was agreed in the meeting yesterday that this area may be considered by Norwest as part of the comprehensive coal fine control strategy.)

Nonetheless, this area must be included as part of the permit area, because this area has been disturbed due to activity to control coal fines to this date.

The Division plans to issue a violation for the unpermitted activity outside of the permit area.

The use of the vacuum truck must be discontinued until further notice.

If you have any questions, please let me know.

Thank you. Pam

CC: Angela Nance; Daron Haddock; David Darby; Jerriann Ernstsens; Mary Ann Wright; Priscilla Burton; Steve Demczak; Susan White; Wayne Western